

**JUDICIAL COUNCIL OF CALIFORNIA**  
**ADMINISTRATIVE OFFICE OF THE COURTS**  
455 Golden Gate Avenue  
San Francisco, California 94102-3660

**Report Summary**

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee  
Hon. Mary Ann Grilli and Hon. Michael Nash, Co-chairs  
George Nielsen, 415-865-7670 and Ruth McCreight, 415-865-7666

DATE: March 30, 2000

SUBJECT: Revised Wage Withholding Form (revise *Order/Notice to Withhold Income for Child Support* (Form OMB 0970-0154) (Action Required))

Issue Statement

A recent amendment to the Code of Federal Regulations, 45 CFR 303.100(e)(1)(ii), changed the number of days within which an employer must send child or family support amounts withheld from an employee's wages to the payee from ten days to seven days.<sup>1</sup> The form, *Order/Notice to Withhold Income for Child Support* (Form OMB 0970-0154), adopted by the Judicial Council on December 2, 1999, incorrectly listed the number of days as ten.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2000, revise the form, *Order/Notice to Withhold Income for Child Support* (Form OMB 0970-0154), to change the number of days for an employer to send withheld child or family support amount to the payee from ten days to seven days. The form is attached at page 3.

Rationale for Recommendation

Because significant amounts of federal funding for both welfare and child support programs are contingent on compliance with federal child support program regulations, it is important that state forms and procedures comply with these regulations as closely as possible.

This form was adopted outside of the regular cycle as an emergency measure to comply with an amendment to Family Code section 5208 (Stats. 1999, ch. 480) (Senate Bill 542 [Burton]), which mandated its use commencing January 1, 2000. This legislation itself was passed in order to comply with federal law. Some of the blanks in the model were filled in to assist persons preparing the form. The recent

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<sup>1</sup> Attached at page 5.

change to the Code of Federal Regulations was unknown to staff at the time the form was adopted. Therefore, the number of days for sending withheld amounts was inadvertently specified as ten days. This recommendation would correct that error and thus comply with federal regulations.

#### Alternative Actions Considered

Because the recommendation is necessary to comply with federal requirements, no other alternative actions were considered.

#### Comments From Interested Parties

Because this change to the federal regulations was only recently discovered, the form has not been sent out for comment.

#### Implementation Requirements and Costs

Following established procedures, camera-ready copies of the forms will be delivered to the courts and to commercial Judicial Council forms publishers. The courts will make copies available to the public. In addition, copies of the forms will be posted to the California Courts Web site. There are no costs additional to the normal costs courts incur in providing forms.

The text of the proposed forms is attached at pages 3–4.